

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOBLE SULAIMAN A.S.H. KHALIF BEY,

Plaintiff,

- against -

THE CITY OF NEW YORK; P.O. ANDRIY
RYABININ; and SIXTY-THIRD PRECINCT,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER

11-CV-2376 (RRM)(JMA)

Plaintiff commenced this *pro se* action on May 11, 2011 against the City of New York, Police Officer Andriy Ryabinin, and the Sixty-Third Precinct (collectively, “City defendants”), seeking monetary and injunctive relief for alleged civil rights violations stemming from plaintiff’s arrest in May 2008. (Compl. (Doc. No. 1).) Before this Court is the Report and Recommendation (R&R) of Magistrate Judge Joan M. Azrack (Doc. No. 11), filed October 20, 2011, recommending dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b) due to plaintiff’s repeated failures to provide defendants with the necessary releases permitting defendants’ access to plaintiff’s sealed arrest records.

The procedural history of this case is accurately set forth in the R&R, as is the controlling law. As noted, following numerous conferences and orders in which plaintiff was directed to execute the necessary releases, Magistrate Judge Azrack issued two orders, on August 22 and October 7, again directing plaintiff to comply and warning him that continued failure to so do would result in her recommendation to dismiss this action. *See* Docket Entries Dated 8/22/2011 and 10/7/2011. Plaintiff was mailed copies of both orders. *See id.* To date, plaintiff has failed to execute the releases and thereby comply with the magistrate judge’s discovery orders, and on

October 20, 2011, the magistrate judge recommended dismissal.

Judge Azrack reminded the parties that, pursuant to Rule 72(b), any objections were due 14 days from receipt of the R&R. (*Id.*) As reflected in the proof of service filed by defendants' counsel (Doc. No. 12), plaintiff was served with the R&R on October 21, 2011. To date, no party has filed objections.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error as no party has objected thereto, and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, this Court adopts the recommendation set forth therein and hereby ORDERS that plaintiff's complaint (Doc. No. 1) is DISMISSED. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith.

The Clerk of Court is directed to enter judgment accordingly, mail a copy of this Order and the Judgment to plaintiff *pro se*, and close the case.

SO ORDERED.

Dated: Brooklyn, New York
November 28, 2011

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge